

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID J. SCOTT,

Plaintiff,

Case No. 09-CV-12129
HON. GEORGE CARAM STEEH

vs.

BERNADETTE STONE, MICHAEL
LEWIS, JAN BIGELOW, and TRACIE
SHAW,

Defendants.

/

ORDER GRANTING DEFENDANTS' MOTION FOR ADJOURNMENT OF TRIAL DATE
[#41], CONDITIONALLY GRANTING PLAINTIFF'S MOTION FOR APPOINTMENT OF
COUNSEL [#42] AND RESCHEDULING FINAL PRETRIAL CONFERENCE

On May 28, 2010, this court entered an order granting plaintiff's renewed motion to reopen case, scheduled a final pretrial conference for June 22, 2010, and a trial date of July 6, 2010. Defendants filed a motion for adjournment of trial date on June 7, 2010. Defendants request that the court postpone trial until the week of July 19, 2010 due to scheduling conflicts with the July 6, 2010 trial date. The court grants defendants' motion for adjournment of trial date and trial shall commence on July 19, 2010 at 9:00 a.m.

On June 17, 2010, plaintiff filed a motion for appointment of counsel, arguing that he is unable to afford counsel and that he has limited knowledge of the law. The court notes that in case number 03-75123, which involved the same claims and parties that are present in this matter, Kurt Koehler, at the court's request agreed to represent plaintiff at

trial. However, on the day of trial, plaintiff requested that Mr. Koehler move for voluntary dismissal of the case pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, which the court granted. Hours later that same day, plaintiff initiated the instant action. Based on this procedural history, the court conditionally grants plaintiff's motion for the appointment of counsel. The court will attempt to locate an attorney willing to represent plaintiff on a pro bono basis, however should this endeavor be unsuccessful, the court will require plaintiff to proceed with the presentation of his case, up to and including representing himself at trial.

On June 22, 2010, the court was advised that plaintiff was detained at the Livingston County Jail and would be unable to attend the pretrial conference. Therefore, the final pretrial conference in this matter is rescheduled to July 8, 2010 at 11:00 a.m.

Accordingly,

IT IS ORDERED that defendants' motion for adjournment of trial date is GRANTED.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel is CONDITIONALLY GRANTED.

IT IS FURTHER ORDERED that the final pretrial conference is scheduled for July 8, 2010 at 11:00 a.m.

IT IS FURTHER ORDERED that trial shall commence on July 19, 2010 at 9:00 a.m.

Dated: June 23, 2010

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on June 23, 2010, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk